United Nations S/AC.50/2007/60

Security Council

Distr.: General
29 March 2007

Original: English

Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 28 March 2007 from the Permanent Mission of Greece to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Greece to the United Nations presents its compliments to the President of the Security Council Committee established pursuant to resolution 1737 (2006) and, with reference to paragraph 19 of the said resolution, has the honour to submit its national report on the steps Greece has taken with a view to implementing effectively the aforementioned resolution (see annex).

07-29016 (E) 130407

Annex to the note verbale dated 28 March 2007 from the Permanent Mission of Greece to the United Nations addressed to the Chairman of the Committee

Report of Greece

Submitted pursuant to paragraph 19 of Security Council resolution 1737 of 23 December 2006

Greece has the honour to inform the Security Council of the following steps taken with a view to implementing effectively the provisions of paragraph 19 of Security Council resolution 1737 of 23 December 2006.

According to Law 92/1967 on the implementation of United Nations Security Council resolutions, any resolution based on Article 41 of the United Nations Charter: (a) is published in the (state) Official Gazette by Ministerial Decision; and (b) is implemented through the issuance of a Presidential Decree. Such Decree further specifies the prohibitions provided for in the resolution. Any violation of the provisions of the aforementioned Presidential Decree is subject to imprisonment of up to five years or to an unlimited fine or to both.

As far as resolution 1737 is concerned, the relevant Ministerial Decision has already been published (Official Gazette Issue A'22, 07.02.2007) and the procedure for the issuance of the Presidential Decree is under way.

The legal basis for control of dual-use items in Greece is EU Regulation 1334/2000, as amended in 2006. Through this Regulation and the control list described in Regulation 394/2006, Greece controls the export of dual-use items listed by the various export control regimes. Furthermore, this EU Regulation is supplemented by national legislation (*Ministry of National Economy* [today: *Ministry of Finance and Economy*] *Ministerial Decision N. 125695/E3/5695/25.10.2000*), which, inter alia, includes penal sanctions in case of violation. The maximum penalty for offences related to this Ministerial Decision is imprisonment and an unlimited fine. In case of aggravating circumstances and when the violation is related to WMD, the offence is covered by the Criminal Code (for a more detailed description of the Greek export control regime, regarding weapons and defence related materials, reference is made to Greece's reports to the Security Council Committee established pursuant to resolution 1540 (2004)).

Regarding paragraph 3 of resolution 1737, export licences concerning items listed in subparagraphs (a), (b) and (c) will not be issued.

Concerning paragraph 4 of resolution 1737, export licences concerning items that could contribute to the pursuit of activities mentioned in subparagraphs (a), (b) and (c) will not be issued.

Concerning paragraph 5 of resolution 1737, applicants for an export licence concerning items not prohibited by subparagraphs 3 (b), 3 (c) or 4 (a) will be considered with utmost vigilance and those bodies mentioned in paragraph 5 will be notified in case a licence will be approved.

Concerning paragraph 6 of resolution 1737, the provisions of technical assistance for dual-use items are prohibited, if the assistance may be related to WMD. In this respect, our national legislation (*Ministry of National Economy*

[today: *Ministry of Finance and Economy*] *Ministerial Decision N. 125695/E3/5695/25.10.2000*) for the implementation of EU Regulation 1334/2000 includes an amendment prohibiting technical assistance with regard to dual-use items, especially if these items can be associated in any way with WMD ("technical assistance" is defined as any technical support related to repairs, development manufacture, assembly, testing, maintenance or any other technical service that may take the form of instructions, training, transmission of working knowledge or skills or consulting services).

The restrictions on admission of the individuals specified in paragraph 10 of resolution 1737, as well as in its annexes C-E, will be implemented in accordance with the relevant EC Regulation 539/2001, as it has been subsequently amended and existing national legislation, which gives authority to the Ministry of Public Order. In any case, Iranian citizens must be in possession of a visa, when crossing the external borders of the EU.

As for paragraph 17 of the resolution, restrictions on Iranian nationals from studying proliferation-sensitive subjects in Greece will be implemented in accordance with existing legislation on admission of individuals.

Finally, concerning paragraph 12 of the resolution, regarding the freezing of funds, other financial assets and economic resources, it has to be noted that the Council of the European Union welcomed in its conclusions, adopted on 22 January 2007, the measures in resolution 1737 and called on all countries to implement them in full and without delay. Furthermore, Ministers agreed that the EU should prevent the export to and import from Iran of the goods on the NSG and MTCR lists; ban transactions with and freeze the assets of individuals and entities covered by the criteria in resolution 1737; and take measures to prevent Iranian nationals from studying proliferation-sensitive subjects within the EU.

The EU immediately initiated the preparation of legal instruments implementing the provisions of resolution 1737. On 27 February 2007, the EU Council adopted Common Position 140/2007 with restrictive measures against Iran. Preparations are under way to adopt, without delay, a Council Regulation, after which further information will be provided to the Security Council.

Under general European law principles, a Council Regulation is directly applicable in Greece, without the need for domestic implementing legislation. In addition to this, Greece will carefully consider whether there is a need to take further measures on a national basis, once the Council Regulation has been adopted.